## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

HOWARD D. LOWERY,	)
Plaintiff,	)
vs.	Civil No. 17-cv-845-JGP-CJP
COMMISSIONER of SOCIAL SECURITY,	) )
Defendant.	)

## **MEMORANDUM AND ORDER**

Before the Court is the parties' Agreed Motion to Remand to the Commissioner. (Doc. 17).

The parties ask that this case be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-303 (1993).

The parties agree that, upon remand, "Plaintiff will be provided with the opportunity for a hearing and to submit additional evidence and arguments. Additionally, on remand, the ALJ will:

(1) further evaluate the medical evidence, including medical opinion evidence; (2) reassess Plaintiff's residual functional capacity and provide appropriate rationale with specific references to evidence of record in support of the assessed limitations; (3) if necessary, obtain supplemental evidence from a vocational expert; and (4) issue a new decision."

Plaintiff applied for disability benefits in December 2013. (Tr. 20). While recognizing

that the agency has a full docket, the Court urges the Commissioner to expedite this case on

remand.

For good cause shown, the parties' Agreed Motion to Remand (Doc. 17) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Howard D. Lowery's

application for social security benefits is **REVERSED** and **REMANDED** to the Commissioner

for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. §

405(g).

The Clerk of Court is **DIRECTED** to enter judgment in favor of plaintiff.

IT IS SO ORDERED.

**DATED: MARCH 27, 2018** 

s/ J. Phil Gilbert

J. PHIL GILBERT

**DISTRICT JUDGE** 

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